



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

*Superseded By
Order Co, Art 29-d V.C.*

Honorable John R. Shook
Criminal District Attorney
San Antonio, Texas

Dear Sir:

Attention: Jay Sam Levey, Assistant.

Opinion No. 0-2793

Re: Whether the 1940 census is now
effective relating to Article
6243a and the City of San Antonio.

Your letter of September 28, 1940, requests an opinion
from this department upon the question stated by you as follows:

"Does Article 6243a, providing for pensions
for firemen and policemen in cities having a
population of 240,000 to 275,000, now apply to
the City of San Antonio?"

Your letter states that:

"According to the preliminary report of the
director of the 1940 census for this district,
the population of the city of San Antonio is in
excess of 240,000, the population being 253,143."

Upon the authority of the cases of Holcomb v. Spikes,
232 S. W. 691, and Erwin v. State, 44 S. W. (2d) 860, cited by
you in your letter, this department held in Opinion No. 0-2337
that the 1940 census becomes effective, appertaining to popula-
tion bracket statutes, upon the preliminary announcement of the
census by the director thereof. These cases establish the pro-
position that this announcement is an official one of which the
public and all officials may take notice. We are enclosing a
copy of this opinion wherein these cases are fully discussed.

It follows that the application of population bracket
statutes to the city of San Antonio is controlled by the popula-
tion of the city as determined by the preliminary announcement
of the 1940 census. According to this announcement, the city

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of San Antonio has a population of 253,143, and since Article 6243a, Vernon's Annotated Civil Statutes, applies to cities having a population of more than 240,000 inhabitants and less than 275,000 inhabitants, your question is accordingly answered in the affirmative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Zollie C. Steakley*
Zollie C. Steakley
Assistant

ZCS:RS

APPROVED OCT 8, 1940

Gerard B. Mann
ATTORNEY GENERAL OF TEXAS

